

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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DR. MORGAN REYNOLDS on behalf of the
UNITED STATES OF AMERICA,

Plaintiff/Relator,

vs.

Case No. 07-CV-4612
(GBD)(DCF)

SCIENCE APPLICATIONS INTERNATIONAL
CORP.; APPLIED RESEARCH ASSOCIATES, INC.;
BOEING; NuSTATS; COMPUTER
AIDED ENGINEERING ASSOCIATES, INC.;
DATASOURCE, INC.; GEOSTAATS, INC.;
GILSANZ MURRAY STEFICEK LLP;
HUGHES ASSOCIATES, INC.; AJMAL
ABBASI; EDUARDO KAUSEL;
DAVID PARKS; DAVID SHARP; DANIELE
VENEZANO; JOSEF VAN DYCK; KASPAR
WILLIAM; ROLF JENSEN & ASSOCIATES,
INC.; ROSENWASSER/GROSSMAN CONSULTING
ENGINEERS, P.C.; SIMPSON GUMPERTZ &
HEGER, INC.; S.K. GHOSH ASSOCIATES,
INC.; SKIDMORE, OWINGS & MERRILL,
LLP; TENG & ASSOCIATES, INC.;
UNDERWRITERS LABORATORIES, INC.;
WISS, JANNEY, ELSTNER ASSOCIATES,
INC.; AMERICAN AIRLINES; SILVERSTEIN
PROPERTIES; and UNITED AIRLINES,

**DECLARATION
OF CHARLES E.
DORKEY III**

Defendants.
-----X

Charles E. Dorkey III, on behalf of Science Applications International Corp. ("SAIC"),
declares pursuant to 28 U.S.C. §1746 and under penalty of perjury under the laws of the United
States of America, that the following statements are true and correct:

1. I am a member of McKenna Long & Aldridge LLP, attorneys for SAIC in this
lawsuit brought pursuant to the False Claims Act. Based on a review of the pleadings and our files
in this matter, I am familiar with the facts set forth herein.

2. I submit this declaration in support of defendant SAIC's motion to dismiss the Complaint, pursuant to Rules 12(b)(1) and 9(b) of the Federal Rules of Civil Procedure, by adopting and incorporating co-defendant Applied Research Associates, Inc. ("ARA")'s motion to dismiss on the same grounds.

3. Plaintiff filed the Complaint on May 31, 2007, bringing claims pursuant to the False Claims Act. In a wholly conclusory manner, the Complaint alleges that defendants manipulated and provided false information to the United States Government during the investigation of the September 11, 2001 events conducted by National Institute of Standards and Technology ("NIST").

4. Defendant SAIC is a corporation organized and existing under the laws of the state of Delaware. It is engaged in the business of systems, solutions and technical services and maintains a principal office at 10260 Campus Point Drive, San Diego, California, 92921.

5. SAIC adopts the arguments set forth in the motion and supporting memorandum of defendant ARA, as they are equally applicable to SAIC. SAIC also seeks the same relief requested upon the same grounds made.

6. For these reasons and the reasons set forth in defendant ARA's motion, which is adopted and incorporated herein, defendant SAIC moves to dismiss the Complaint against it, and seeks an award of attorneys' fees and expenses pursuant to 31 U.S.C. §3730(d)(4) due to the frivolous nature of Plaintiff's Complaint and for such other relief as is just and proper.

WHEREFORE, it is respectfully requested that the Court grant the motion of defendant Science Applications International Corp. to dismiss the Complaint, for attorneys' fees and costs pursuant to 31 U.S.C. §3730(d)(4), and for such other relief as is just and proper.

Dated: March 5, 2008
New York, New York

Respectfully submitted,

McKENNA LONG & ALDRIDGE LLP

By: 

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